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ICANN Transcription

IDNs EPDP

Thursday, 03 February 2022 at 13:30 UTC

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DEVAN REED: Good morning, good afternoon, and good evening. Welcome to the IDNs EPDP call, taking place on Thursday, the 3rd of February, 2022, at 13:30 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you're only on the telephone, could you please let yourselves be known now?

All members and participants will be promoted to panelists for today's call. Members and participants, when using chat, please select Everyone in order for everyone to see the chat. Observers will remain as an attendees and will have View Only chat access.

Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now.

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If you need assistance updating your statements of interest, please e-mail the GNSO Secretariat.

All documentation and information can be found on the IDNs EPDP wiki space. Recordings will be posted on the public wiki space shortly after the end of the call.

Please remember to say your name before speaking for the transcript. As a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior.

Thank you, and over to our Chair, Donna Austin. Please begin.

DONNA AUSTIN: Thanks, Devan, and welcome, everybody, to this week's call. And thank you to those that engaged in the chat that we had beforehand, which has led to folks that can putting their names in their scripts so that we have an IDN flavor, which is pretty cool. So thanks for that conversation just on the back of one question from Justine to Akinori. So nice start to the call.

All right. So some business that we have to get into today. I don't think we had any objections to the sequencing of our charter questions. So I think that we're good to proceed in accordance with the revised sequencing that we discussed last week and that's been posted to the list. So that's our plan going forward, folks. We made some good progress going back over a couple of questions last week. For this week, we're going to focus on A9 and A10, and then we'll move into charter questions B1 and B2,

hopefully. So hopefully we can get into all of that, and maybe we can draw a line under A10 for now.

We're still working on drafting some language for, I think, A5, 6, and 7, and we're hoping to get that to the list by Monday. And as we've done previously, we'll leave that open for two weeks. And if there are substantive comments, we will come back and discuss those. If there aren't any substantive comments, then we will consider the draft language okay for folks, and we can just keep moving forward.

So with that, I'm going to hand it back to Ariel—Ariel, if you wouldn't mind—whose translation apparently means "happiness heart." Or Ariel's name in Chinese means "happiness heart." So I think that's very appropriate for Ariel. So over to you, Ariel.

ARIEL LIANG: Thank you so much, Donna. Also, happy new year to those who celebrate the Year of the Tiger. And now we're going to the recap for A9. And I will just run through some really quick refresher for our discussion.

So, as a reminder of why we have the question A9, it's about the label states. The reason we need to have a clear definition for those is mainly to achieve a consistent understanding of what different label sets mean and then use the consistent terminology for defining them. And that's across different stakeholders for the Internet ecosystem. So for whoever uses this label state, the meaning should stay the same. And also, a different label state can result in a different user experience and impact those

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stakeholders as well. On the side, you can see that ICANN, registry operators, registrants, software developers, law enforcement, end users, and many other stakeholders may be impacted when the label is in different status, basically.

And another reason we need to have a clear definition is to ensure the stable and secure operation of the DNS in order to avoid failure related to the DNS resolution.

And that's why we need to have a clear definition of the states and use them appropriately in order to keep the DNS secure and stable. So this is just a reminder of why this question is asked.

And then this slide you have seen earlier is in the staff paper. There's already some suggested label states as well as their definitions. These are: blocked, withheld same entity, rejected, allocated, and delegated. So that's our baseline, per se, in terms of developing the EPDP's definition for label state. So these are the five for your consideration at the starting point.

And during the deliberation of this charter question, we have heard some additional suggestions. So that's why we're revisiting this charter question: to understand the direction the team decides to go.

So we heard there's one suggestion to streamline the label states from the initial five into three categories. These are: blocked, withheld same entity … So with "withheld same entity," there's also two subset categories. One is "withheld same entity allocated," and the other is "withheld same entity rejected." And then the third one is "delegated." So that's one idea that was

proposed, I believe, by admin about streamlining the states into three.

And then there's another suggestion because "delegated" and "allocated" in everyday speech may sound the same to a lot of people. So maybe we need to use another term to better differentiate these two. So based on what the staff paper has, "delegated" is an active label state. That means the TLD is already activated in the root zone, and the second level can be physically generated under it. So that's an active statement. But in "allocated," it is not active yet but is in preparation to go into the delegated state. But, of course, for the ccTLDs, "allocated" may have an additional meaning to that. And the status for an allocated ccTLD may last longer compared to a gTLD. So they do have differentiation, but in everyday speech, again, it may sound the same. So there is another suggestion to come up with different terms to differentiate these two.

And then the third suggestion we heard is that we may need to provide a definition for "reserved" to be included in the list.

And the fourth suggestion—it's more like a parking lot item—is to define additional terms not necessarily related to the label states, such as "variants" and "bundled." But because we're trying to answer this charter question here, this suggestion can probably be tackled later and not in the context of this charter question.

So, finally, what we heard is that we probably want to revisit this charter question again after the EPDP team has deliberated in the later part of the charter and understand different possible scenarios. By then, we probably will understand that maybe there

will be another potential status that we missed and we need to add to the list.

So these are some of the discussions so far. I hope that helps folks refresh their memory on where we are. And hopefully we can have a clear direction on where we're going with regard to this charter question.

I will stop now. And I see Hadia has her hand up.

DONNA AUSTIN: Thanks, Ariel. Go ahead, Hadia.

HADIA ELMINIAWI: Thank you so much. Thank you, Ariel, for this quick presentation. I just wanted to ask about the meaning of "withheld same entity rejected." So how can it be withheld and rejected?

DONNA AUSTIN: I don't want to speak for Edmon, but I think perhaps that was a point that Edmon was making: within "withheld same entity," there are different states which might benefit from being called out and explained, just to overcome some ambiguity.

Edmon, I see your hand is up, so go ahead, please.

EDMON CHUNG: I guess that's more from staff and from me. I guess there is a status that is rejected, which is: it's first allocated or withheld for

the same entity, and then you ask for delegation, and then it's rejected. It seems like it's supposed to be provided but it's rejected when you ask for activation for it. But I guess perhaps Sarmad or others could clarify that a little bit further.

DONNA AUSTIN: Okay. So we have Ariel, Maxim, Anil, and Sarmad, but I might go Ariel, Sarmad, and then come back to Maxim and Anil, if that's okay. So, Ariel, go ahead.

ARIEL LIANG: Thanks for the question. So Sarmad can correct me if I didn't cover it properly. So "rejected" means that, for a TLD label, it has an allocatable variant label for the applied-for label. So it's first allocatable. And then the applicant wants to request to activate that allocatable variant. So it went through the process of trying to activate it. But then, for certain reasons, this label cannot be allocated because of visual confusability grounds or other grounds. So it didn't pass the string similarity review step or other step in the application process and hence it is rejected. So then it will return to the "withheld same entity" status because it cannot be allocated due to its failure to pass the string similarity review or other step in the application process.

So that's the "rejected" meaning. But I will yield to Sarmad if he has additional information on this.

DONNA AUSTIN: Go ahead, Sarmad, if you're still with us.

SARMAD HUSSAIN: Yes, I am. I lowered my hand because I think Ariel did cover it reasonably well. So it gets rejected because it [inaudible] it somehow does not pass the evaluation process for any of the reasons. Thank you.

DONNA AUSTIN: Thanks, Sarmad. Maxim?

MAXIM ALZOBA: Could we move to the scheme with the points? Is "allocated" going to happen before the execution of the contract or after? It's quite important because, if it's before the execution, it happens and it's just the process. And if it's happening after the execution of the agreement, it's actually a failure to provide [status] for no reasons if it's not stated in the contract. Thanks.

DONNA AUSTIN: Thanks, Maxim. Sarmad, did you want to respond to Maxim?

SARMAD HUSSAIN: Yes, please.

DONNA AUSTIN: Go ahead, please.

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SARMAD HUSSAIN: Thank you. So I think one way to look at "allocated" versus "delegated" is that "allocated" is an administrative step and "delegated" is a technical step. So from the perspective of ccTLDs, the administrative step occurs at the successful evaluation of the applied-for string through the IDN ccTLD fast-track process at this time. And there is actually a formal announcement, which is a prerequisite for the delegation. So it is a significant and required, I guess, step for IDN ccTLDs.

For gTLDs, "allocated" would likely be when the string is formally administratively assigned to the applicant. And that may actually be probably at the signing of the contract, but, again, I'm not clear on this. If you'd like, we can go back and check on that as well. Thank you.

DONNA AUSTIN: So, Sarmad, I appreciate that we're doing this for gTLDs, but it seems that this is probably something where we do need consistency in definitions and meaning across g's and c's. Is that a reasonable assumption or doesn't it matter?

SARMAD HUSSAIN: Yes, certainly.

DONNA AUSTIN: Right. Okay. So that's something that we need to take into account here. And perhaps, because there is a distinction here with "allocated" for ccTLDs, we need to be mindful of that.

Sorry, Anil, to keep you waiting. Go ahead, please.

ANIL JAIN: Thank you, Donna. Here, do we also want to specify whether the definition like [that] or other definitions are with respect to the string alone? Or maybe a script is not attached with root zone LGR or otherwise. Or, technically, in root zone LGR, as Sarmad has given the presentation and explained in the previous two calls, if I recall it properly, because of the script itself, we have certain strings which cannot be allocated, certain scripts which are blocked. And only scripts which come under "allocatable," which can be allocated or delegated [inaudible].

So I just want to put a flag here on whether we would like to give more clarification in this process. Thank you.

DONNA AUSTIN: Thanks, Anil. Hadia and then Dennis.

HADIA ELMINIAWI: Sorry. It's an old hand. However, I was asking why the "withheld same entity after being rejected" doesn't move to "rejected." But I guess the argument was that circumstances might change, and the entity could reapply and have it allocated at some other point in time. Thank you.

DONNA AUSTIN: Thanks, Hadia. Dennis?

DENNIS TAN: Thank you, Donna. So I was just putting it in the chat and just wanted to voice the same comment or observation. Maybe … I'm trying to think. One thing is when we think about label states and another is application.

Let me just elaborate a little bit more what I'm thinking of. And it goes to my comment in the chat, which is about rejections. An application was rejected based on the evaluation process. It could be on confusability/similarity grounds or stability grounds or what-have-you. Any of those evaluation procedures could reject an application. The label becomes ineligible to go through the evaluation process. It gets rejected.

But then, what if those grounds by which the application was weighed no longer exit in the future? The label continues to be withheld to the same entity. For example, the use case I actually was thinking of is confusing similarity. What is the label was the contention set which is has an additional contended variant [that's no longer in] the root zone? Then the application will not have any reason to move forward. So the label will no longer be ineligible because that contention no longer exists and this, this time around, in the future, it may go through.

So maybe we need to think a little bit more about the rejection, not as a permanent status but something that can change in the future, given that circumstances changes as well. Thank you.

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DONNA AUSTIN: Thanks, Dennis. So I'm wondering whether we're getting into A10, which is about the label states.

But also what's striking me here is that I think we're talking about definitions for multiple processes. So it could be a new gTLD process. It could be a fast-track process. It could be the root zone LGR process itself. And I'm scratching my head a little bit on whether there are distinction between those three processes which may be creating a little of difficulty in wrapping our heads around this.

So maybe it makes sense to test the definitions against the three processes to see if they would be acceptable in the three processes that I've identified. Maybe we only need to do it for a new gTLD and the root zone LGR process and then check that against the label state.

So I don't know if anyone else is having that same confusion, but for me, it seems to be that the terms are used differently in those processes, which could be creating the issues. So does it make sense if we try to test the definitions that we have against the different processes—at least those three processes?

Yeah, I think that's worthwhile doing, too, Justine. Let's have a look at, now that we've had this conversation—we'll come back to it---A10, Ariel, and see if that provides any clarity for us.

So I think what we're talking about here at the label state transitions [is] if we can call out whether that's a root zone LGR process or whether that's a new gTLD process because it's not

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quite clear to me what processes we're talking about. And if you're unclear, Ariel, too, maybe we can sort that out.

I see Sarmad has his hand up. So Sarmad?

SARMAD HUSSAIN: Thank you, Donna. So I think the process was intended for a TLD string as it goes through multiple states. So when, basically, a TLD is accepted, it has variants. Some of the variants would be blocked from an application process because of, I guess, the disposition which is given to them through the root zone LGR calculation. Some of them will be allocatable or what we call "withheld to the same entity." And then, of these, the applicant may actually apply for one or two of these allocatable or "withheld same entity" strings, and those become allocated while successfully evaluated through the application process, and then eventually delegated. But if the application process fails, they go into the rejected state. So at least that was the initial thinking. Thank you.

DONNA AUSTIN: Thanks, Sarmad. For me, that was helpful. Hadia?

HADIA ELMINIAWI: Thank you. If I may ask, if a domain is actually removed from the DNS, why would you want to have it still allocated? That's step #5.

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DONNA AUSTIN:	Can anyone answer that question? I think we have had some discussion around this, but I think the fact that … If it is taken out of the root for whatever reason, it remains a possibility that that string or that label can be used by somebody else in the future that might apply for it. So I think it means that it's kind of going back into the pool, if that makes any sense, Hadia, but I could be way off the mark on that.
HADIA ELMINAWI:	But here, actually, you're not bringing it back into the pool. You're just giving it back to the same entity, and not in the general pool. And that's my point.
DONNA AUSTIN:	Okay. Let's see if other folks have some thoughts on this. Justine said it's like a retired TLD. The only retired TLDs that I know of are ccTLDs. I don't think there's a process to retire a gTLD, but I could be off base on that, too.
	Maxim, go ahead.
MAXIM ALZOBA:	As I understand, currently the TLDs go [inaudible], basically [inaudible] in terms of zone files. But allocation means that only the same entity will be able to do the managing. Maybe they have some points of [linguists] proving that the decision to remove the string was incorrect or something like that. So if it's [inaudible] to some legal entity or organization, most probably it will be available only to them for any [proceedings].

DONNA AUSTIN: Thanks, Maxim. Sarmad?

SARMAD HUSSAIN: Right. And there is also this EBERO process [which clearly] also, I guess, changes the state. So I think #5, in any case, seems like it probably would require more discussion, but EBERO is also something which may be considered in the process as well. Thank you.

DONNA AUSTIN: Thanks, Sarmad. So I think Hadia has raised a good point, and I think it's something that we probably need to put some more explanation around. And I guess this goes back to that it's important to understand what process we're creating the definitions for and the label state transitions for and then making sure that we're very clear, when we call out the process and the various states, what we mean.

And my Michael says he's not sure that EBERO is actually something changing the state. Michael, I think, is right. You may not be changing the state of the TLD because I think the intent is that it continues operation. So it would stay in the root. But, yeah, it's a change of the owner or the operator because they've been deemed unfit to continue operations. So it is a little bit complex and we need to sort through it.

Go ahead, Jeff.

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JEFF NEUMAN: First of all, I think we're kind of way overthinking this and thinking of so many edge cases, but I think, at the end of the day, "delegated" to "allocated" means … Let's say a registry is … There's a string and three variants that are "withheld same entity" and then allocated because there's an entity that wanted them. Then the entity goes forward and delegates or goes through the process of getting all four of them delegated but, at some point, realizes, "You know what? One of these variants just doesn't make sense anymore to have in the root, so we're going to just pull that one for now. Maybe we'll introduce it later," or whatever it is. Therefore, it's still allocated. It's just no longer delegated.

So I mean, again, all of this is so rare and unlikely to happen, but in theory, I could see that happening.

DONNA AUSTIN: Thanks, Jeff. Unfortunately, I guess that is some of what this policy process is about. We understand that we might be dealing with edge cases now, but maybe in the future there'll be more of these things that come up. So this is our opportunity to try and get in front of it. I'm kind of thinking that maybe it's even rarer where "delegated" goes back and becomes "allocated." But we just need to think through the process steps a little bit more and just be clear about where we think we're headed.

Okay. So I've seen a bit of conversation in chat, but I do find it a little bit hard to keep up.

Okay. So I think, with the label state—and I think this is where we had some problems before; "delegated" back to "allocated" state—we just may need to put some more, perhaps, examples. Or maybe we need to account for the delegated. And then there's a possibility that it could go from a delegated-to-nowhere kind of thing. But we just need to think about how we want to reflect that.

Okay. So has this conversation helped our consideration of the definitions?

Edmon, I saw that you dropped something in chat, but of course I have no possibility to download that now. Is there something that you wanted to speak to with that? You said this is what you had in mind.

EDMON CHUNG: Sure. I just sent an image that I just drew up quickly, sort of a … There you go. Thank you, Ariel, or whoever put it up. So this is sort of how I see it. The application comes in. The calculations. And then you have "allocatable" or "blocked." An activation request comes in for the "withheld same entity ones," and it could potentially be rejected or delegated. And then, if the conditions change on the rejected one, it could go back to the "withheld same entity." At least in my mind, this is how it kind of works, which is not so different from the one that Ariel provided. But I don't know whether this helps clarify things or makes people even more confused. Hopefully, it clarifies.

DONNA AUSTIN: Jeff, go ahead.

JEFF NEUMAN: I think it clarifies the real simple case, Edmon. I think where it gets a little dicey is that new gTLD application, LGR calculation … Let's say it passes and becomes allocatable. There may be some additional checks like string similarity and others, which may not enable it to be "withheld same entity." And it may not be blocked either. It may be in a contention set.

So I think yours is the most likely case here, Edmon. So I think it's very helpful. It's just there are kinds of things that can happen between the LGR calculation and the "withheld same entity."

DONNA AUSTIN: Thanks, Jeff. Edmon and then Hadia.

EDMON CHUNG: I guess I understand, Jeff, where you're coming from, but for anything to the right of LGR calculation, I expect that it's post-contract/registry agreement. So for the contention set, everything has to be dealt with before you try to activate something for request. That's the idea.

I think the idea is to come up with the end states of what to expect, but this is the end state post-registry agreement So before the registry agreement, I guess it's still an application, so you wouldn't at all have potential in the DNS nor have a status of the TLD as in "rejected" or "blocked" or whatever. So that's at least my mind. But, yeah, this is just a very preliminary thought in trying to clarify that we're talking about.

DONNA AUSTIN: So, Edmon, can you just clarify for me where you think the registry agreement is, at what point in the thread that you've got here?

EDMON CHUNG: Right after LGR calculation because, right after LGR calculation, there would be just a set of … I should draw one more circle, which is contention resolution. Then the set of variants will be used for contention resolution to consider whether there is a contention set. Only after resolving any contention would we go into potential delegation. Only at potential delegation do we need to consider whether something is blocked or potentially allocatable. So the contract and the contention resolution is right after LGR calculation. At least that's in my mind. I should have drawn an extra circle to make it clearer.

DONNA AUSTIN: Thanks, Edmon. Hadia?

HADIA ELMINIAWI: Thank you, Edmon. And thank you, Donna, for your question. So to me also it seemed that we do need to have a separate status between LGR calculation and "allocatable" and "blocked."

But my question is to Edmon in relation to the activation request. That's a separate status. And I believe it's important to have it. I'm not sure if we had it in the original shared diagram/flowchart. Did we have this status as well—the activation request?

DONNA AUSTIN: I don't believe so, Hadia.

HADIA ELMINIAWI: So I think this status is actually important because this is where you decide whether it is rejected or delegated.

DONNA AUSTIN: Okay. I've got Jeff, Sarmad, and Maxim.

JEFF NEUMAN: Sorry. It was just on a question I put in the chat, which is on a variant of a reserved string. Would that be considered reserved or blocked?

DONNA AUSTIN: We haven't decided whether to include a definition for "reserved" and its variants, so that's kind of an interesting question, I think.

                       Jeff, do you have an example of what you think would be a reserved string?

JEFF NEUMAN: Yeah, I guess. If the International Red Cross has, in Chinese characters, their designation as the Red Cross or the society, I believe they do have those reserved. There's also … I'm trying to think [if] any of the other reserves [are] anything but ASCII characters. But, yeah, something like the Red Cross stuff.

DONNA AUSTIN: Right. And that was done at the top-level for the Red Cross IGO/INGO names, I think.

JEFF NEUMAN: Right.

DONNA AUSTIN: Okay. And Dennis has put a link in chat for that. So we do have real-life examples for that.

So I guess, as a question for me, we have those reserved names, but I don't know whether variants of those names have been identified and whether they will be. I don't know if that helps or hinders us.

Sarmad and then Maxim.

SARMAD HUSSAIN: Thank you, Donna. So two comments on this diagram. First of all, I think this diagram represents a new gTLD application, which I'm guessing is the main string. However, there should be also potentially an option to apply for a variant string where the original is already delegated and that, I guess, process may be similar or maybe slightly different or something to be seen.

The second comment I wanted to make was on this allocated state, which is, I guess, not explicitly covered here. So when you apply for a string, you would maybe get five allocatable variants

which will, for example, be withheld to the same entity. And eventually an applicant may want to apply for one of those five variant TLDs to be, I guess, eventually delegated. So that variant TLD would go through an application process and eventually be allocated and then eventually be delegated. So maybe there is a potential circle between the "withheld same entity" and the activation request which represents … Or after … I'm not quite sure how Edmon is thinking about this, but there's this step of "allocated" which is the administrative [p]ool and then eventually the "delegated" which is the technical, I guess, delegation. Again, I guess I'm also trying to look at it from a perspective of a TLD going through this process, which is an IDN ccTLD application.

So, sorry, maybe that's not directly relevant here, but we're still trying to review it from that perspective. Thank you.

DONNA AUSTIN: Okay. Thanks, Sarmad. Maxim?

MAXIM ALZOBA: My understanding is that "allocated" is the process of application processing. And before the contract is executed, it cannot be deployed in any [inaudible] in technical terms or delegated. And delegation happens only after the contract is executed. Thanks.

DONNA AUSTIN: Thanks, Maxim. So, Ariel, can you just bring up the label A10 slide, please? I think what we need to do with the label states is we need to try to apply it practically to a new gTLD process and fill

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in some of the gaps. So I think what Edmon has tried to do does that and I think we need to put where the contracting part comes into it. And I think or I hope this might be a little bit easier to reach agreement on because I think what we need to do here is apply to this to the process or processes that it could apply to. And maybe that would help us work through this.

I don't know if Edmon was going to drop in another version of this.

JUSTINE CHEW: I think he has, Donna.

DONNA AUSTIN: Oh, okay. I didn't see that. Oh, I see. Okay. Ta-da! Maxim, your hand is up. Go ahead, please.

MAXIM ALZOBA: Could we return to the previous picture with numbers?

DONNA AUSTIN: Thanks, Edmon, for the work on the fly.

MAXIM ALZOBA: Yeah. Thanks. So here we have a situation where [at 3.3] we need to add contract execution. Allocation happens after the contract is executed but before the delegation. So, logically, 4 happens when the contract is executed and on hand. So item 5 requires termination of the contract because, without it, it will stay

in a delegated state or you will just kill the technical side of something and ICANN will violate the agreement with the registry. So 5 requires termination [inaudible].

DONNA AUSTIN: Thanks, Maxim. I think you're probably right from a process perspective about where that will fit in.

So if we can go to Edmon's chart. Okay. So I think probably what we need to do is map this to the label states in some way. I think Maxim has a point about the agreement. When it's executed and when it would be terminated, I think, are important process … I can't think of the word that comes next.

And then what Edmon doesn't cover here is the—which is where we started the conversation I guess—"delegated" back to "allocated." And I think that's a little bit more complex than … Or there's a few more possibilities with that than perhaps were anticipated in the label states that were identified in the staff paper.

Hadia?

HADIA ELMINIAWI: Thank you, Donna. I just raised my hand to point out what you just said: on the main difference between this chart and the other one, of course, this one has more statuses, but the delegated part terminates here. Like, you cannot go back to "allocated." And then the "blocked" also terminates. You cannot go back to contention resolution. Thank you.

DONNA AUSTIN: Thanks, Hadia. Edmon, go ahead.

EDMON CHUNG: I think, if something goes from delegated back to allocatable or "withheld same entity" or whatever previous status, it has to go through some other steps because domains might be delegated and son on. You might have to sunset those things. So it's much more complicated than this chart might be able to show, I think.

DONNA AUSTIN: Yeah. But I think, to Hadia's original point, though—and I think the discussion we've had—it is more complex than we thought. So I don't think it is simply a case of that it goes back to "allocated." So I think, if we can call out those other possibilities, we might be able to find a way through this.

Dennis, go ahead.

DENNIS TAN: Thank you. Just for clarity, we're not implying that "blocked" variant labels completed by the LGR would be used in some sort of evaluation process. So maybe I would just draw the line of "blocked" between LGR and variant set [rules] for contention resolution because I'm assuming blocked variant labels do not take part in any of the evaluation process. They're just never going to be eligible for application. Therefore, they don't have to

DONNA AUSTIN: So when you look at a variant set that's used for contention resolution, does the blocked variant come into consideration in that process? I guess that's my question there.

Maxim and then Edmon.

MAXIM ALZOBA: I suggest we add a note somewhere that we need to map this [inaudible] [gTLD] process for ccTLDs, because it's likely different.

And also, I suggest that, instead of "blocked" we use "reserved," because reserved means it cannot be allocated. And effectively, it's what was wanted. And an additional state non-existing-yet state is a bad idea if we absolutely do not have to do that. Thanks.

DONNA AUSTIN: Thanks, Maxim. That's an interesting observation about "blocked" and "reserved."

Okay. Edmon?

EDMON CHUNG: Thank you, Donna. In response to Dennis, my first reaction is not necessarily like that. I think the entire variant set will be considered in the contention resolution. And if there is any overlap

in the variant set, even if it's blocked, that should trigger a potential contention resolution process. So I wonder if Sarmad might want to add what staff might be thinking, at least in that direction.

But I would say, at least thinking about Chinese and maybe some other languages as well, the blocked ones should trigger a contention set rather than not being a contention set.

DONNA AUSTIN: Thanks, Edmon. Sarmad, if you wanted to respond to that, go ahead.

SARMAD HUSSAIN: Thank you. This is, I think, precisely one of the policy considerations which this working group should decide on on string similarity, for example: whether blocked strings should be part of the string similarity [inaudible] or not. It can be done. Either way, [that] is a position which, I think, the staff paper does take. But in any case, I think that is a discussion which this working group should probably have and make a [decision on].Thank you.

DONNA AUSTIN: Thanks, Sarmad. Maxim and then Hadia and then we'll try to wrap this up and at least identify next steps. Maxim?

Oh, sorry. Old hand. Hadia, go ahead.

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HADIA ELMINIAWI: Thank you. I raised my hand in response to Maxim's suggestion to change "blocked" into "reserved." And my question here would be, what would be the difference between "blocked" if you change it to "reserved," and "withheld"? Wouldn't it more or less be the same thing. "Withheld" is …

DONNA AUSTIN: So, Hadia, I think it's a fair question, and I think this is why understanding the purpose of the definitions is important. And I think at least what I'm sensing here—and I don't know whether others are as well—is that, once you start applying definitions to a process that also has similar words that don't necessarily mean the same, it gets a little bit into that confusing territory. And I think we had that conversation last time about that "delegated" and "allocated" could mean the same thing.

So I think what we need to kind of do here is it seems that the definitions that we're trying to nail down are associated with the gTLD process—so applying for a new gTLD. We need to mindful that there is consistency, I suppose, with the ccTLD fast-track process. And what happens after delegation is a … I think where we end up might be a little different from the cc's because cc's have a process for retiring TLDs, whereas gTLDs don't. But they have an EBERO process that we've discussed. But that in all likelihood would be change of registry operator rather than a change to the string delegation. And I think we need to get the process perspective where the registry agreement comes in and goes out so that we can finish that label state.

So I don't know if that makes sense to folks, but I'm kind of realizing that what Edmon has put in front of us is important to that process we had for the change of label states. So once you start to apply that to a process, that's where the flags come up.

So I think this has been a good discussion. We can try to continue and see if we can—if we go back to those definitions, Ariel, for A9—we can now whether there's more that we want to add in or whether the definitions that we have would hold for the purposes of our new gTLD process.

I'm just wondering if anyone has any thoughts on that if we come back to the definitions.

So Justine is asking me whether a small team might be helpful to try to knock some of this out. I don't know how folks feel about that: whether people have the bandwidth to try to do that or whether you would like to staff to have a first crack at this and see where we get to. But do people agree that … So I think, Justine, Jeff wants you to sort this one out. So do people agree that what we need to do is to overlay the definitions and the label states with the new gTLD process and try to make this more fit for purpose, I suppose, rather than that the definitions then just don't sit out there without context?

["But why?" about what], Maxim?

Oh, okay. It was about [inaudible]. Okay.

Dennis and Anil, I know that you're our cross-liaisons between this process and the cc process. I don't know whether they've had any

discussion around definitions yet. Do you have any insight into that?

DENNIS TAN: Thank you, Donna. I think I'm going to go out of my … I want to say we briefly discussed the states, and we are going to be adopting what the report said. But let me go back and check my notes and I'll come back and respond on the mailing list.

DONNA AUSTIN: Okay. Thanks, Dennis.

Okay. So in the background, our wonderful staff team have agreed that they will do some work to see if they can overlay the label states definitions and gTLD process and see if we can nail this down, get some clarity, and be able to move on.

So I think we'll leave A9 and 10 where it is for now. Thanks to everybody for the discussion.

And Ariel, I think, we'll go to B1 and B2. And for anyone who is familiar with the Australian ABC Broadcasting Corporation, B1 and B2 are actually also known as Bananas in Pyjamas. So I can maybe do some research on that. So if we can go to B1 and B2, Ariel.

ARIEL LIANG: Thank you, Donna. I was wondering whether you would like to provide details on why it's bananas in pyjamas, but …

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DONNA AUSTIN: I have no idea, Ariel, but it was very successful. Kids love it, apparently.

ARIEL LIANG: Based on my limited understanding, I think B1 and B2 are basically kind of a dueling set of questions addressing the same thing. That's why the metaphor Bananas in Pyjamas kind of makes sense. I may have listed it wrong, but that's what I understood.

So, for B1, the question is asking about the "same entity" principle. I'll just read through both questions here. Both the SubPro PDP and the staff paper recommend that variant TLDs that ICANN delegates must have the same entity as the sponsoring organization, and the registry operator be used as the definition of the same entity at the top level. Should this recommendation be extended to existing TLDs? So that's the first question.

And the second question, B2: Both the SubPro PDP and the staff paper recommend that variant TLDs be operated by the same backend registry service provider: the organization providing one or more registry services, such as DNS, DNSSEC, RDDS, and EPP, for a registry operator. Should this recommendation be extended to existing TLDs and their variant TLD labels?

So both of these questions called out the SubPro PDP and staff paper's recommendations for future gTLDs. Basically, the "same entity" requirement is confirmed for the future gTLDs in those recommendations as well as specifically using the same registry operator and same backend registry service provider. So what

we're trying to tackle is the application of these recommendations to existing gTLDs and their variant labels.

So now we're just going to take a quick look at the context of these questions; first about the SubPro PDP recommendation, 25.5. That's the one that I just mentioned regarding the "same entity" principle for future gTLDs.

Their recommendations reads that IDN gTLDs identified as variant TLDs of already-existing or applied-for gTLDs will be allowed only if labels are allocated to the same entity and, when delegated, only if they have the same backend registry service provider. This policy must be captured in a relevant registry agreement. So that's the SubPro recommendation.

For the rationale for the recommendation, it's that, in consideration of the security and stability perspective, and also in light of the fact that the variant TLDs are considered essentially identical, SubPro believes that the variant TLD labels must be operated by the same registry operator and must have the same backend registry service provider if delegated. So based on my learning, SubPro already took into account the staff paper recommendation in these aspects, which I will touch on briefly next.

However, during the deliberation of these recommendations, SubPro didn't have extended discussion with regard to how an application process may look like for an applicant to seek to obtain an allocatable variant TLD[.] Because those deliberations [inaudible] the SubPro PDP only elects to recommend the "same entity" principle.

And for this EPDP, we will actually talk about the exact legal operational and procedural implications in terms of applying a variant TLD label for an applicant to seek to activate an allocatable label. But this will be discussed in the later part of the charter, not right now. But I would just want to give you a heads up on that.

Then let's just take a quick look at the other context of this charter question: the staff paper recommendations. It's basically what SubPro what already took into account: the staff paper recommendations #2 and #7. So #2 is that IDN variant TLDs [are] allocated to the same entity. So that's the "same entity" principle. And then then the staff paper recommendation #7 talks about the same registry service provider for IDN variant TLDs. So that's in practical terms how that looks like at the top level. And also that recommendation talks about using the same backend registry service provider for operating all the activated IDN variant TLDs by the registry operator.

So essentially the staff paper recommendations and the SubPro recommendation are consistent.

Just to give you some additional background on how the staff paper recommendation was developed, it's largely based on the analyses in [SAC] 060, which is the [SAC] advice. One point mentioned in that paper is about the failure mode that may present security implications. So it means denial of service or misconnection related to the variant TLDs. So having the same entity at the top level will help reduce risks of the failure mode. And then, in order to achieve that at the top level, ensure the registry operator level is the same.

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So that's why the staff paper has come to the conclusion of the "same entity" principle and using the same registry operator and same backend registry service provider. So these are some brief contexts of these two charter questions.

And now what we are trying to tackle is to confirm whether the "same entity" principle should be extended to existing gTLDs and whether the same registry operator, and same backend-registry-service-provider-related should also be extended to existing gTLDs and their variant levels.

I will stop now. Over to you, Donna.

DONNA AUSTIN: Thank, Ariel. And thanks always for the really helpful context as we work through these questions.

So, Maxim, I see your hand has been up. Go ahead, please.

MAXIM ALZOBA: Speaking about B1, I think, for example, the panel which will issue some kind of change in LGR causing such potential termination of the contract for someone should be, I'd say, aware of the situation where there might some court case against them because currently the TLD contracts do not have any principle like that in the reasons for termination. And in the eventual process of where the entity is going to be deprived of their TLD, it doesn't look like a safe way forward. Maybe not an extension to one of the entities. It's not good, but it's not as bad as termination of the contract for

one entity because of a [new] policy because, from the legal perspective, it's going to be a disaster. Thanks.

DONNA AUSTIN: Thanks, Maxim. Nigel and then Dennis.

NIGEL HICKSON: Good afternoon. And thank you. Perhaps I missed something, but in B1, I don't … Well, I understand B2, but I don't quite understand in terms of the same entity for the sponsoring organization and the registry operator. What's the rationale to have the sponsor organization and the registry operator be the same entity? I don't understand that in terms of variants or anything.

DONNA AUSTIN: So, Nigel, are you questioning whether there's a distinction between the sponsoring organization and the registry operator? I mean, in my mind, they're one and the same. But what we're talking about is, if you have … We have IDN gTLDs that were applied for in 2012. If they want to apply for a variant label, should it only be the same entity that could apply for that variant? So does that help? Or maybe Dennis has a response. So, Dennis, go ahead.

DENNIS TAN: Thank you, Donna. Yeah, I can speak a little bit about Nigel's question and then go onto my own observation. So, Nigel, to respond to the question, B1 really is two questions in one. So the

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first one is, is it appropriate or is it reasonable to have the same entity to manage variant TLDs. When we are talking about TLDs, it's one of the same. So it makes sense that the same entity manages those TLD labels.

And then the question is, who is this same entity? And the answer—what we are proposing here—is the same registry operator in the gTLD world, and it's called ccTLD operator or manager … I can't remember the exact phrase, but in the ccTLD world, they use a different terminology. But basically, it's the same organization that manages the TLD. So the idea here is the principle of "same entity," meaning the same organization manages all the variant labels in a set. And in the TLD world, that same entity is a registry operator. So it's a two-part question in one. "Sponsoring organization" really means who is behind the management of the TLD. I hope that addresses your question.

NIGEL HICKSON: Yes.

DONNA AUSTIN: Thanks, Dennis.

DENNIS TAN: Okay. So I just wanted to add an [observation], noting something. If we can go back to the slide where there is the notion of failure modes, here I just wanted to note that … And for our own expectations as to what we're doing here and what this means, I'm not sure whether we have material in order to explain and

[elaborate later] more on what these are, but I can briefly say, on this whole framework that we're looking at on how to manage variant labels at the top level or in general, let's take a step back and think of variant labels in general. Its domain names are deemed the same and therefore the principles behind the whole management scheme is to prevent these types of failure modes, which are called denial of service and misconnection.

Denial of service means that you go to a page and you don't get simplistically a [follow for aero]. So you type the URL in a browser and you actually go to the site that you were expecting to with any variants that you type. The misconnection is where you think you are going to website A, typing a variant, but you instead go to website B that has nothing to do with it. It's not the perfect sample but let me just use it.

You type, for example … Let's presume there is a website organization: the English [World] Organization. It's spelled in American English with a "Z". And there's another domain name organization with British spelling: "S." If you type one of these ones in today's world, those are two different domain names. So you are typing the organization with a "Z," thinking, "I'm going to the website organization-dot-something with "s"," and you think, "I'm not on the site that I was expecting to be." So that's characterized as misconnection.

So the idea with variants is that, because they should be the same and some expectation of the same behavior and same experience, they ought to be managed by the same entities—top level, second level, and so on and so forth—to avoid these denials

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of service and misconnection. Now, that's the whole concept of the variant management framework in all levels.

But now we're looking at TLDs. I just want to, again, discuss these so that we have the right expectation because we talk a little bit about that synchronization, same experience, and what's the same when we have the meeting with the SSAC. There is no technical solution. There's no flipping of a switch and saying, "These variants will behave the same and provide the same user experience." There's none of that. One has to go into implementation. Really, it's the end user, the registrant, that sets up the services—website, e-mail, what-have-you—on the front end that provides the same behavior. Whatever that behavior is, it's the registrant that actually needs to provide that: set up the webservers where the two domain names are variants of each other. They provide the same behavior or something similar [inaudible].

At the top level, we, the registry operators managing at the top level, are far removed from that user experience. So even if the TLD variant labels are delegated to the same entity, we're far removed from the actual user experience.

So, yes, the principle or the expectation is to avoid these failure modes, but in reality, we cannot guarantee that. So just want to make sure that, as we are discussing policy implementation, [we know] what can and cannot be done at the top level. Thank you.

DONNA AUSTIN: Thanks, Dennis. Jeff?

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JEFF NEUMAN: Thanks, Dennis. I think that's an interesting and right. That has given us a lot to think about.

But I wanted to go back to Nigel's question. What if we changed the term "registry operator" and use the term "TLD manager" as defined by IANA or as indicated in the IANA database? This way, we avoid all the difference between ccTLDs and gTLDs and we're referring to the authoritative database as opposed to contracts between ICANN the entity. So if we use the term "TLD manager," we could just say, "Delegates must have the same entity as the TLD manager listed in the IANA database," or something like that.

So Dennis is saying "sponsoring organization." I'm looking at the root zone database list of TLDs. And everyone on there is listed as a TLD manager.

DONNA AUSTIN: Okay.

JEFF NEUMAN: Sorry. If you look at IANA.org/domain/root/db, everyone is listed as a TLD manager.

DONNA AUSTIN: It seems we have a difference of opinion here because Edmon is saying that it's "sponsoring organization" for gTLDs. So it's interesting if IANA has two different words that they use. But I take

the point. If there's confusion here for Nigel, then we can tighten this up for clarity when we get into the recommendations.

JEFF NEUMAN: Sorry. If you click on a TLD, then it says it's called the "sponsoring organization." Maybe we should make a recommendation to IANA to change it and be consistent.

DONNA AUSTIN: I don't really want to go there, Jeff. I think the IANA process has been tried and true for many years. I don't know that we need to go there, but we can clean up what we mean here.

So do we have thoughts on the "same entity" questions that are posed here for existing TLDs and whether the same entity should be applied for backend providers and the other entities that may provide registry services? So if we can have some thoughts on that—the "same entity" question—that would be great.

So Jeff thinks that SubPro got it right and we should adopt the recommendations for "same entity" for B1 and B2. Do we have thoughts from others on this?

Dennis?

DENNIS TAN: Sorry. No. I was looking for a thumbs up.

DONNA AUSTIN:	Oh, okay. Well, that's good.
	The other groups … Nigel, do you have thoughts on this now that we've cleared up the confusion? ALAC folks, do we have thoughts?
	Nigel, go ahead.
NIGEL HICKSON:	Thank you very much. We're nearing the end of time, but it would just be interesting to know why, in terms of B1, it wasn't applied to the old TLDs. I mean, I don't have a problem with it being extended to them, but what's the rationale on why we thought at the time that it shouldn't be applied?
DONNA AUSTIN:	Got it. So, Nigel, I think the answer to that is we're only dealing with variants now. The Board agreed back in 2012 to set aside the policy or the rules for variant IDN TLDs because it was unclear how that would work out. So we're dealing with it now. So this is the first opportunity.
NIGEL HICKSON:	Okay. Thank you.
DONNA AUSTIN:	Yeah.

Okay. All right. So I think we've had some support in the chat for "same entity" on the B1 question and the B2 question. So I am going to assume that we're good on this and we can develop language that supports these as policy recommendations.

And with that, we have a minute to spare. So thanks, everybody. Good discussion again tonight. I really appreciated the chat we had about people's stances and where they came from in the time before. So have a good evening, morning, day, wherever you may be. Thanks, everybody.

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